

Spotlight on Diversity, Advisory Role of General Counsel

By Ernest D. Holtzheimer

THOUGH THE TOPIC IS OFTEN DISCUSSED, DIVERSITY IN the legal profession remains a challenge. The Business Law Section's Corporate In-House Counsel Committee hosted a Philadelphia Bar Association CLE titled "Diversity in Law and General Counsel's Role as Business Advisor" at the Loews Philadelphia Hotel on Oct. 5. Panelists were Kirkland Hicks, executive vice president and general counsel at Lincoln National Corporation, and Anne Robinson, managing director, general counsel and corporate secretary at Vanguard. They shared their unique perspectives on the state of diversity in the legal profession and the increasing role played by general counsel as a business advisor. The discussion was moderated by Brennan J. Torregrossa, cochair of the Corporate In-House Counsel Committee.

Recognizing that there is a "pipeline issue," Hicks and Robinson said that in-house attorneys are interested in firms' commitments to diversity and the advancement of diverse attorneys into leadership positions – they want to know what firms are doing to help move the needle on diversity within the industry. Both Hicks and Robinson discussed ways to partner with firms to build the best teams for their projects and how corporations are taking additional steps to improve diversity, including by holding firms accountable for the make-up of client teams and using diversity metrics. Among other things, Hicks and Robinson talked about how they develop diverse talent by providing opportunities for associates to work in-house with them, giving those associates an opportunity to expand their understanding of the business and build relationships.

General counsel increasingly are called upon to act as



Photo by Thomas E. Rogers

Sarah B. Gelb, chair, Business Law Section (left to right); Kirkland Hicks; Anne Robinson; and Brennan J. Torregrossa at the Philadelphia Bar Association CLE at the Loews Philadelphia Hotel on Oct. 5.

both legal and business advisors and value lawyers who understand the sensitivity and importance of business issues. Given this expanded role, both Hicks and Robinson said that it is important for external counsel to understand their business and provide pragmatic advice. In addition, the panelists said that law firms should learn from their corporate law department counterparts in terms of providing professional development for their attorneys. Providing regular training opportunities and developing employees' skills through hiring coaches and outside consultants can

provide a significant return on investment. If firms make more of an investment in professional development, the panelists believe they will see a growth in the quality of leaders, as well as an expansion of diversity within leadership.

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PRO BONO SPOTLIGHT - LEGAL CLINIC FOR THE DISABLED

Responding to Exploitation of Special Needs Clients

By Richard L. Vanderslice

SALLY IS A 57-YEAR-OLD WOMAN WITH SEVERE MOBILITY issues due to multiple back surgeries. She also suffers from anxiety and depression. She receives a monthly Social Security Disability Income check and her circumstances made her ripe for exploitation by Bill, a neighborhood guy, who had befriended her. Partnering with the Legal Clinic for the Disabled I could volunteer my services as a pro bono attorney and end the exploitation.

Bill told Sally he was selling the house she was living in and gave her six weeks to move before the settlement date. If she refused, he threatened to throw her out. But Sally was financially unable to move because she did not have control of her finances. For decades, Sally's SSDI benefit was being deposited into Bill's private checking account, even though he was not her representative payee. Over the years, Bill gave Sally a monthly allowance and managed household expenses.

We tackled the most pressing issue first, making sure

Sally had access to her disability check. The Social Security Administration was contacted so Sally's check could be redirected into an account in her name only.

Through a record review, we discovered that Sally once owned the property she was living in, but ownership was fraudulently transferred. Meanwhile, Bill continued to pay the mortgage from Sally's SSDI income. Apparently, Sally had executed a financial power of attorney naming Bill as her agent, but the POA was to only be used to refinance the house. Instead, without Sally's knowledge, Bill transferred property out of Sally's name to his and his wife's names. To clear title to the property and prevent Bill from selling it, we filed a Quiet Title Action and a Lis Pendes with the Recorder of Deeds. This stopped Bill from any potential sale of the property.

At the same time, Bill hired an attorney to file an eviction complaint against Sally. LCD staff entered their appearance to prevent the eviction action from moving forward. On the day of the hearing, opposing counsel agreed to a continuance until the Quiet Title matter was

resolved.

When I met with Sally about next steps, she was not opposed to selling her house because of the ongoing cost of maintenance. Sally had the opportunity to move into new subsidized housing in the same neighborhood. Her monthly rent would be much less than her mortgage and the housing would be completely accessible. She would never have to worry about the cost of maintenance and she would be allowed to have her two cats.

Because Sally wanted to cut off any ties with Bill and get the property sold, I negotiated a settlement and sold the house with the majority of the proceeds going to her. She soon after moved into accessible housing and used the proceeds from the sale to purchase much needed furniture and other household items. Today, Sally and her two cats have a new home, and Bill is no longer able to exploit her.

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